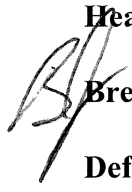


# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

## MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator

**To:** Heather Mackenzie-Campbell, Audit  
**From:**  Brent Johnson, General Counsel  
**Re:** Defendants Sent to Prison for Probation Violation  
**Date:** January 26, 2006

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This memorandum is in response to your e-mail dated January 3, 2006, requesting an opinion on how to handle judgments when a judge commits a defendant to the Utah State Prison after a suspended sentence. I agree with your assessment that these cases should essentially be treated the same as those in which a defendant is sent to prison immediately after sentencing.

When a judge sentences a defendant to prison, the judge immediately has two options. The judge can order immediate execution of the sentence, or the judge can suspend the prison sentence pending completion of certain terms. Because the Department of Corrections assumes responsibility for individuals committed to the prison, apparently our practice has been to not enter an account receivable when a defendant is immediately committed. When a defendant is sent to prison after a suspended sentence is revoked, the effect is the same as if the defendant was originally committed to prison and therefore the account receivable should be treated the same. The un-suspended sentence puts the defendant in the position of someone whose sentence was not suspended in the first place. Please let me know if you have any additional questions about this.

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.